

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2945

Introduced by Assembly Member Spitzer

February 24, 2006

An act to ~~20405.1 of, and to add Section 19816.22 to, the Government Code, relating to public employees' retirement. An act to amend Section 54957.8 of the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2945, as amended, Spitzer. ~~Public employees' retirement. Open meetings: multijurisdictional law enforcement agencies.~~

Existing law authorizes the legislative or advisory body of a multijurisdictional drug law enforcement agency to hold a closed session to discuss the case records of any ongoing criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases. Existing law defines "multijurisdictional drug law enforcement agency" for these purposes as a joint powers entity, formed pursuant to specified provisions of existing law, which provides drug law enforcement services for the parties to the joint powers agreement.

This bill would redesignate a multijurisdictional drug law enforcement agency as a multijurisdictional law enforcement agency, and would permit a multijurisdictional law enforcement agency to instead hold a closed session to discuss any criminal investigation.

This bill would also define a multijurisdictional law enforcement agency as a joint powers entity, as specified, that provides law enforcement services for the parties to the joint powers agreement.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Public Employees' Retirement Law prescribes the rights and benefits of the members of the Public Employees' Retirement System. Under the Public Employees' Retirement Law, state employees classified as state safety members are entitled to generally higher benefits, and subject to higher contribution rates, than those employees classified as state miscellaneous members. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.~~

~~This bill would provide that a state employee who is a state miscellaneous member who is (1) a manager, supervisor, or confidential employee in a forensic program, (2) in a specified job classification or position, and (3) whose subordinate is or becomes classified as a state safety member shall be classified as a state safety member on and after the effective date of the bill, unless he or she elects to remain a miscellaneous member, as specified in existing law. By increasing member contributions to the Public Employees' Retirement Fund, the bill would make an appropriation.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~yes~~^{no}. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54957.8 of the Government Code is
 2 amended to read:
 3 54957.8. Nothing contained in this chapter shall be construed
 4 to prevent the legislative body of a multijurisdictional ~~drug~~ law
 5 enforcement agency, or an advisory body of a multijurisdictional
 6 ~~drug~~ law enforcement agency, from holding closed sessions to
 7 discuss the case records of any ~~ongoing~~ criminal investigation of
 8 the multijurisdictional ~~drug~~ law enforcement agency or of any
 9 party to the joint powers agreement, to hear testimony from
 10 persons involved in the investigation, and to discuss courses of
 11 action in particular cases.
 12 “Multijurisdictional ~~drug~~ law enforcement agency,” for
 13 purposes of this section, means a joint powers entity formed

1 pursuant to Article 1 (commencing with Section 6500) of
2 Chapter 5 of Division 7 of Title 1, which provides ~~drug~~ law
3 enforcement services for the parties to the joint powers
4 agreement.

5 The Legislature finds and declares that this section is within
6 the public interest, in that its provisions are necessary to prevent
7 the impairment of ongoing law enforcement investigations, to
8 protect witnesses and informants, and to permit the discussion of
9 effective courses of action in particular cases.

10 *SEC. 2. This act is an urgency statute necessary for the*
11 *immediate preservation of the public peace, health, or safety*
12 *within the meaning of Article IV of the Constitution and shall go*
13 *into immediate effect. The facts constituting the necessity are: In*
14 *order to prevent the impairment of ongoing law enforcement*
15 *investigations, to protect witnesses and informants, and to permit*
16 *the discussion of effective courses of action in particular cases at*
17 *the earliest possible time, it is necessary that this act take effect*
18 *immediately.*

19 ~~SECTION 1. Section 19816.22 is added to the Government~~
20 ~~Code, to read:~~

21 ~~19816.22. (a) Notwithstanding Sections 18717, 19816.20,~~
22 ~~and 19816.21, a state employee who is a state miscellaneous~~
23 ~~member of the Public Employees' Retirement System who~~
24 ~~satisfies the criteria described in subdivision (b) shall be~~
25 ~~classified as a state safety member of the Public Employees'~~
26 ~~Retirement System.~~

27 ~~(b) Subdivision (a) shall apply only to a state employee who~~
28 ~~satisfies all of the following criteria:~~

29 ~~(1) The employee is a manager, supervisor, or confidential~~
30 ~~employee in a forensic program.~~

31 ~~(2) The employee is in one of the following job classifications~~
32 ~~or positions:~~

33 ~~(A) Assistant Bureau Chief in the Division of Law~~
34 ~~Enforcement.~~

35 ~~(B) Criminalist Manager.~~

36 ~~(C) Criminalist Supervisor.~~

37 ~~(D) Latent Print Supervisor.~~

38 ~~(E) Questioned Document Supervisor.~~

~~(3) A subordinate of the employee is classified as, or becomes classified as, a state safety member of the Public Employees' Retirement System.~~

~~(e) The effective date of state safety membership shall be that date, on and after the effective date of this section, that the state employee satisfies all of the criteria described in subdivision (b).~~

~~(d) The department shall notify the Public Employees' Retirement System of the classes or positions that become subject to state safety membership under this section.~~

~~SEC. 2 Section 20405.1 of the Government Code is amended to read:~~

~~20405.1. Notwithstanding Section 20405, this section shall apply to state employees in state bargaining units that have agreed to these provisions in a memorandum of understanding between the state employer and the recognized employee organization, as defined in Section 3513, state employees who are excluded from the definition of "state employee" by subdivision (e) of Section 3513, and officers or employees of the executive branch of state government who are not members of the civil service.~~

~~(a) On and after the effective date of this section, state safety members shall also include officers and employees whose classifications or positions are found to meet the state safety criteria prescribed in Section 19816.20, provided the Department of Personnel Administration agrees to their inclusion, and officers and employees whose classifications or positions have been designated as subject to state safety membership pursuant to Section 19816.21. For employees covered by a collective bargaining agreement, the effective date of safety membership shall be the date on which the department and the employees' exclusive representative reach agreement by memorandum of understanding pursuant to Section 3517.5 or any later date specified in the memorandum of understanding. For employees not covered by a collective bargaining agreement, excluding those described in subdivision (b), the Department of Personnel Administration shall determine the effective date of safety membership.~~

~~(b) State safety members shall also include officers and employees whose classifications or positions have been~~

1 ~~designated as subject to state safety membership pursuant to~~
2 ~~Section 19816.22.~~

3 ~~(e) The department shall notify the board as new classes or~~
4 ~~positions become eligible for state safety membership, as~~
5 ~~specified in subdivision (a), and specify how service prior to the~~
6 ~~effective date shall be credited.~~

7 ~~(d) The department shall prepare and submit to the Legislature~~
8 ~~an annual report that contains the classes or positions that are~~
9 ~~eligible for state safety membership under this section.~~

10 ~~(e) Any person designated as a state safety member pursuant~~
11 ~~to this section may elect, within 90 days of notification by the~~
12 ~~board, to remain subject to the miscellaneous or industrial service~~
13 ~~retirement benefit and contribution rate by filing an irrevocable~~
14 ~~election with the board. A member who so elects shall be subject~~
15 ~~to the reduced benefit factors specified in Section 21076, 21353,~~
16 ~~or 21354.1, as applicable, only for service also included in the~~
17 ~~federal system.~~